

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA  
ERIE DIVISION

ROBERT REPA AND JEAN REPA,  
HUSBAND AND WIFE,

Plaintiffs

vs.

FRANK NAPIERKOWSKI, HILLTRUX  
TANK LINES, INC.,

Defendants

)  
)  
) 1:19-cv-00101-RAL  
)  
)

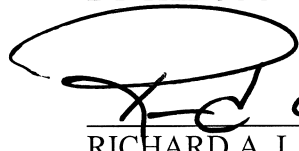
) RICHARD A. LANZILLO  
) UNITED STATES MAGISTRATE JUDGE  
)

) PLAINTIFFS' MOTION IN LIMINE TO  
) EXCLUDE EVIDENCE OR ARGUMENT  
) OF PLAINTIFFS' DISCIPLINARY  
) HISTORY OR FILE WITH THE FIRE  
) DEPARTMENT [ECF NO. 81]  
)  
)

ORDER

Plaintiffs have moved in limine to exclude “all evidence or argument related to Mr. Repa’s disciplinary history with the Cambridge Springs Volunteer Fire Department.” ECF No. 81 (citing, *inter alia*, Fed. R. Evid. 404(a)). Defendants “agree that this evidence is generally inadmissible at trial” and do not oppose the requested exclusion. ECF No. 107, ¶ 2. Therefore, Plaintiffs’ motion is GRANTED. Defendants may, however, consistent with the Federal Rules of Evidence, utilize such evidence at trial *if* Plaintiffs open the door by introduction of character evidence putting the matter at issue. IT IS SO ORDERED.

BY THE COURT:



RICHARD A. LANZILLO  
UNITED STATES MAGISTRATE JUDGE